

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 525

Introduced by Kruse, 13; Burling, 33; Cudaback, 36; Foley, 29;
Jones, 43; McDonald, 41; Dw. Pedersen, 39;
Stuthman, 22; Vrtiska, 1

Read first time January 17, 2003

Committee: General Affairs

A BILL

1 FOR AN ACT relating to the Nebraska Liquor Control Act; to amend
2 section 53-180.05, Revised Statutes Supplement, 2002; to
3 provide and change penalties; to provide for license
4 suspension for minors' violations; to harmonize
5 provisions; and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 58-180.05, Revised Statutes
2 Supplement, 2002, is amended to read:

3 53-180.05. (1) (a) Any person violating section 53-180
4 shall be guilty of a Class I misdemeanor.

5 (b) Any person violating any of the provisions of
6 ~~sections~~ section 53-180.01 ~~to~~ or 53-180.02 shall be guilty of a
7 Class III misdemeanor and shall be fined two hundred fifty dollars
8 for the first such offense. For a second violation such person
9 shall be fined five hundred dollars. For a third and any subsequent
10 violation, such person shall be guilty of a Class II misdemeanor
11 and shall be fined seven hundred fifty dollars. If the court
12 places such person on probation or suspends the sentence for any
13 reason, the court shall, as one of the conditions of probation or
14 sentence suspension, order such person not to drive any motor
15 vehicle for any purpose for a period of (a) ninety days for a first
16 violation of section 53-180.01 or 53-180.02 or (b) six months for a
17 second or subsequent violation of such sections, from the date of
18 the order.

19 (c) Any person violating section 53-180.03 shall be
20 guilty of a Class III misdemeanor.

21 (2) Any person who knowingly manufactures, creates, or
22 alters any form of identification for the purpose of sale or
23 delivery of such form of identification to a person under the age
24 of twenty-one years shall be guilty of a Class I misdemeanor. For
25 purposes of this subsection, form of identification means any card,
26 paper, or legal document that may be used to establish the age of
27 the person named thereon for the purpose of purchasing alcoholic
28 liquor.

1 (3) (a) In addition to the penalties described in
2 subsection (1) of this section, any person violating section
3 53-180.01 or 53-180.02 shall be subject to the suspension of his or
4 her motor vehicle operator's license for the following time
5 periods:

6 (i) For the first violation, suspension for a period of
7 not less than sixty days and not more than six months;

8 (ii) For a second violation, suspension for a period of
9 twelve months; and

10 (iii) For a third and any subsequent violation,
11 suspension for a period of two years or until the violator reaches
12 twenty-one years of age, whichever occurs later.

13 (b) If the person does not have an operator's license
14 when convicted or adjudicated as a juvenile, he or she shall be
15 ineligible to apply for an operator's license for the time periods
16 specified in this subsection. If the person is under sixteen years
17 of age when convicted or adjudicated as a juvenile, the person
18 shall have his or her operator's license suspended on the first day
19 of issuance for the time periods specified in this subsection. An
20 abstract of the court record of every person convicted of violating
21 section 53-180.01 or 53-180.02 and whose license has been suspended
22 pursuant to this subsection shall be transmitted to the Department
23 of Motor Vehicles. The violation shall become part of the person's
24 permanent record maintained by the department. The violation shall
25 not be expunged from the person's record.

26 (4) Upon the expiration of any license suspension ordered
27 pursuant to subsection (3) of this section, the person may have his
28 or her license reinstated upon payment of a fee of ninety-five

1 dollars. The fees paid pursuant to this section shall be remitted
2 to the State Treasurer. The State Treasurer shall credit fifty
3 dollars of each fee to the General Fund and forty-five dollars of
4 each fee to the Department of Motor Vehicles Cash Fund.

5 (5) When a minor is arrested for a violation of sections
6 53-180 to 53-180.02 or subsection (2) of this section, the law
7 enforcement agency employing the arresting peace officer shall make
8 a reasonable attempt to notify such minor's parent or guardian of
9 the arrest.

10 Sec. 2. Original section 53-180.05, Revised Statutes
11 Supplement, 2002, is repealed.